

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

M & S ADVISORY GROUP, INC.,	:	
	:	NO. 1:02-CV-00522
Plaintiff,	:	
	:	
	:	ORDER
v.	:	
	:	
	:	
EYEMART EXPRESS, LTD.	:	
	:	
Defendant.	:	

Defendant Eyemart Express, Ltd. has moved the Court for a continuation of the trial date currently set to commence on September 7, 2004 (doc. 58), due to "public service and other commitments of" its trial counsel. Although Plaintiff's counsel respectfully objected (doc. 64) on the grounds that the action has been pending in this Court for some time, the Court also recognizes that this has been the result of reasonable jurisdictional disputes between the parties and the Defendant's request to amend its counterclaim in the instant suit. In light of the circumstances of this case and the pending cross-motions for summary judgment currently pending in this case, the Court finds the Defendant's motion for a continuance well founded.

Accordingly, Defendant's Motion To Move The Trial (doc. 58) is GRANTED. The final pretrial conference currently scheduled for September 2, 2004 at 9:00 A.M. is hereby VACATED. Trial of the instant case will be RESCHEDULED. The Court will reschedule the

final pretrial conference in this case and the trial date after resolving the pending motions for summary judgment.

SO ORDERED.

Dated: September 1, 2004

s/S. Arthur Spiegel
S. Arthur Spiegel
United States Senior District Judge